

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OTTO DELCID, LUZ ROMAN, MINA
KALLAMNI, MARY MOLINA, CARLO
GARCIA, and ANDREA FAHEY, on behalf of
themselves and all others similarly situated,
Plaintiffs,

v.

TCP HOT ACQUISITION LLC and IDELLE
LABS, LTD.,
Defendants.

Case No. 1:21-cv-09569-DLC

**~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL OF
RIDER TO CLASS ACTION SETTLEMENT AGREEMENT NUNC PRO TUNC**

WHEREAS, an action is pending before this Court entitled *Delcid et al. v. TCP HOT Acquisition LLC & Idelle Labs, Ltd.*, Case No. 21-cv-09569-DLC (the “Litigation”);

WHEREAS, Plaintiffs on October 20, 2022, having made an application pursuant to Federal Rule of Civil Procedure 23(e), for an order preliminarily approving a class action settlement with TCP HOT Acquisition LLC and Idelle Labs, Ltd. (“Defendants,” and together with Plaintiffs, the “Parties”), in accordance with the settlement agreement lodged concurrently with the Court (“Settlement Agreement”), which, together with the exhibits annexed thereto, sets forth the terms and conditions for a proposed settlement of the Litigation and for dismissal of the Litigation with prejudice upon the terms and conditions set forth therein (“Settlement”) (ECF Nos. 64-66);

WHEREAS, on October 28, 2022, the Court issued its Order granting preliminary approval of the Settlement Agreement, certifying the Settlement Class and approving the Notice Plan (ECF No. 68);

WHEREAS, On December 2, 2022, the Parties executed a Rider to the Settlement Agreement (“Rider”) for the sole purpose of adding one product, Brut Classic Deodorant Aerosol (10 oz) (UPC 00827755070047); to the definition of “Covered Products.” The Rider also attached amended notices with the sole change being the addition of the one product and to make clear antiperspirant and deodorant products are included in the Covered Products and amends the class definition in the operative complaint to conform to the Settlement Class definition; and

WHEREAS, the Plaintiffs have now made an application to the Court for approval of the Rider to the Settlement Agreement.

Having considered all matters submitted to it including the complete record of the Litigation and good cause appearing therefore, the Court grants preliminary approval of the Rider

to the Settlement Agreement nunc pro tunc, and hereby finds it is deemed fully incorporated into the Settlement Agreement. All of the findings in the Court's Order granting preliminary approval (ECF No. 68) remain in full force and effect and apply in full to the Rider to the Settlement Agreement.

IT IS SO ORDERED this 13 th day of December 2022.



UNITED STATES DISTRICT JUDGE